

Four Police Suspended in Holdup Quiz

TRIB D MAR 31 1943
**Hoyt, Tracy Announce
Move Pending Full
Probe; None Named**

Four Oakland police officers have been suspended because of suspicion they may have had a part in the recent holdup-robbery of two civilians, it was announced today by District Atty. Ralph E. Hoyt and Police Chief Robert P. Tracy in a joint statement today.

The district attorney and newly-appointed police chief met this morning in Hoyt's office and then issued the statement. They said:

"The investigation of the police officer holdup of two citizens is proceeding. Each day additional information pointing to the ultimate clearing up of this matter is being developed.

RELIEVED OFF DUTY

"At the present time there are four officers who are under investigation. These four officers have been relieved from active duty pending the conclusion of the investigation.

"The details indicating the identity of the men responsible cannot be released at this time because the release of such information would interfere with the successful prosecution and conviction of the guilty parties."

Hoyt made his statement without announcing when the Alameda County Grand Jury will resume hearings on the robberies and on the general crime wave that has engulfed the city.

The jury recessed after hearing part of the testimony of the two victims of the alleged robberies. It also is scheduled to hear more testimony from Robert W. Calcott, 26, Berkeley shipyard worker, who claimed to have been beaten by an Oakland police officer.

CLAIMS POLICE BEATING

Calcott made his charges to Hoyt after he was cited for speeding last Friday night and refused to sign the citation. He claimed that he was taken to the police station, slugged and held incommunicado until Saturday evening.

However, he appeared in police court today before Municipal Judge Manley Clark of Livermore, sitting for Judge Joseph A. Kennedy, and pleaded guilty to charges of speeding and cutting-in. He was ordered to pay a \$15 fine on the speeding charge and judgment on the other offense was suspended.

There was no mention of charges of resisting arrest and refusal to sign the citation.

HOYT'S STATEMENT

sign the citation.

HOYT'S STATEMENT

Hoyt, who was supposed to have a conference on the police-robbery case with Tracy, said that it had not been held because of Tracy's "other business yesterday." In his statement today he said:

"I have complete confidence in the integrity and ability of Chief Robert Tracy. He has been untiring in his efforts to ascertain the guilty parties in the recent holdup of two citizens by two Oakland police officers, and I have nothing but praise for his work in connection with that case."

Earlier, Hoyt had declared that the case was "bungled" by certain officers on the Oakland police department.

TWO OAKLAND OFFICERS FINED FOR VIOLATION OF POLICE RULES

Two Oakland police officers drew fines on the recommendation of Chief of Police Robert Tracy today as a result of an instance in which one allegedly was absent from duty and the other "covered up" for him.

Patrolman F. A. McNally was fined \$40 in the action and Patrolman H. O. Fisher was fined \$20.

The recommendation of Chief Tracy was approved by City Manager Charles R. Schwanenberg.

Officials related that the two officers were scheduled to work together in a radio car on July 9, beginning duty at 3 p.m. At 8 p.m., however, according to the report, McNally was seen in civilian clothes

at 43rd Street and Telegraph Avenue. He assertedly had been drinking.

Fisher, the report said, patrolled their beat alone and, in checking in, reported for both himself and McNally.

McNally was fined for leaving his beat, while Fisher drew his penalty for failing to advise superior officers that his brother officer was not on duty.

Chief Tracy declared today that in the future, when men must be disciplined for violation of minor rules, fines will be imposed instead of suspensions, thus averting the loss of a man from duty.

Tracy Brands Officers 'Disgrace' In Girl Attack Case; Not Guilty Plea's Entered by Both Defendants

TRIB D JUN -5 1947

Chief of Police Robert P. Tracy today issued a departmental crackdown order branding two Oakland police officers accused of attacking a 16-year-old girl a "disgrace" to the force as the pair appeared in court and pleaded not guilty to the charges. Tracy scored the accused officers, Robert George Bell, 27, of 2467 69th Avenue and Edward E. Bauer, 31, of 2912 Rawson Street, in a stinging rebuke, ordering "drastic action against any member of the department who conducts himself in a manner unbecoming an officer or a gentleman."

"Willful misconduct will not be tolerated and any such acts will be severely dealt with," Tracy said.

The complaint against Bell and Bauer was signed late yesterday by the mother of the girl. The girl told

Picture Page 7

police the two officers forced her to submit to them after finding her parked at Lookout Point in Sequoia Park with her boy friend Saturday night.

Chief Tracy's statement, read at every police lineup yesterday and this morning, scored the "two unfortunate incidents," this case and that of Officer Walter Crawford, 47, held for investigation in the death of his wife, as being "without the slightest justification or defense."

CRACKS DOWN

The suspended officers were brought from jail into Police Judge Edward J. Smith's court this morning for a hearing that was brief and without incident.

Bell, who police say admitted his guilt in advances to the girl, and Bauer, who has steadfastly denied the attack, were silent as their pleas were entered by Attorney Frank W. Creely.

Both are jointly charged with two counts of statutory rape carrying a possible penalty of from one to 50 years imprisonment on each count.

ASKS BAIL CUT

Creely's request for a reduction in bail of \$10,000 each will be argued next Monday morning, when date for their preliminary hearing also will be set. In court for the hearing were Lieut. of Inspectors Leo E. Wells and Investigating Inspectors William E. Perry and Emil Hamm.

At Eastern Station, where the two officers were stationed, Capt. Fred Barbeau, burly veteran of 25 years with the Police Department, reiterated Tracy's stand in a stern statement of his own.

"These men have disgraced the department and put a stigma on every one of us," he said. "The only way we can remove it is to convince the public through courtesy, service and protection that they are not typical of Oakland police."

When an officer from the ranks asked the guilt of one of the accused men, Barbeau replied, "you should read the statements."

ATTACK BARED

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ATTACK BARED

The girl's statement to police revealed that Bell took her into the police car and threatened to send her to a detention home for 18 months and ruin her reputation unless she submitted to his advances and those of his partner.

Each officer in turn stayed with her boy friend in his car, according to her statement, while the attacks took place a short distance away.

It was the boy who went to Chief Tracy with the story after he became worried when the girl told him what happened.

The officers were identified in police lineup by both the boy and girl and Gerald Gray, 45, Sequoia Park ranger, who said he saw both officers talking to the girl and her companion when he drove by Saturday night.

Both Bell and Bauer, who had probationary police status, have been suspended without appeal.

Misconduct Won't Be Tolerated, Says Tracy in General Order

TRIB D JUN - 5 1947

Chief of Police Robert P. Tracy today emphasized that "wilful misconduct will not be tolerated" in a general order to all Oakland police officers following the arrest of two of them for criminally attacking a 16-year-old girl.

At Eastern Station, where the pair, Patrolmen Robert G. Bell and Edward E. Bauer were assigned, Captain Fred Barbeau followed reading of Tracy's letter with a statement of his own.

Tracy's statement follows:

"To the members of the police department:

"Two unfortunate incidents beyond my control have brought disgrace upon the entire membership of the police department. In neither incident is there the slightest justification for or defense to the acts.

MUST REBUILD TRUST

"It is necessary that every member of the department shall do all in his power to rebuild and maintain the confidence and trust the public is entitled to have in our department, and it is your attitude and the manner in which you handle the people with whom you come in contact that will have the greatest effect in rebuilding this confidence and trust; and, it will be the responsibility of every commanding officer to maintain a rigid discipline and recommend drastic action against any member of the department who conducts himself in a manner unbecoming an officer or a gentleman.

"During the past few years we have gone through many trying periods, and have come through maintaining our own self-respect and confidence of the public, but deliberate acts of misconduct can destroy this confidence overnight. Willful misconduct will not be tolerated and any such acts will be dealt with.

"With few exceptions, our department is composed of honest, courteous, upright men and I am confident that you will do all in your power to rid our department of those who may bring discredit upon you."

BARBEAU'S STATEMENT

Captain Barbeau's statement:

"These men have disgraced the department and put a stigma on every one of us," he declared. "The only way we can remove it is to convince the public through courtesy, service and protection that they are not typical of Oakland police."

He urged the men to report any tendencies they may discover in fel-

low officers to "go bad."

"Let's get rid of them," he urged.

"You know I will back you to a limit when you are right, but not when you are wrong. If you have any doubt what that means, consider that those men are in jail. We cannot tolerate such incidents as occurred last Saturday night."

Oakland Policemen Suspended

TRD JAN 16 1953

Officers Face Probes

Over Burglary,
Brawl at Tavern

Four Oakland police officers were under suspension today—two for investigation of a burglary and two for investigation of the use of "excessive force" in breaking up a New Year's Eve tavern brawl.

Police Chief Lester J. Divine, who ordered the suspension of all four, said further action will await complete investigations of both cases.

Suspended after their reactions to a lie detector test in the burglary investigation proved "very unfavorable," were two police technicians, Patrolmen John W. Marenger, 33, of 20907 Western Boulevard, Hayward, and Rex E. Smith, 31, of 211 72nd Avenue, Oakland.

CRIME DOCTORS

Members of a handful of selected men, Marenger and Smith were specially-trained "crime doctors" whose duties are to conduct a preliminary investigation and preserve physical evidence at the scene of a crime.

Suspended in connection with the tavern brawl were Patrolmen John Ihnot, 29, of 405 Warden Avenue, San Leandro, and Richard L. Petersen, of 16734 Liberty Street, San Leandro.

In connection with the brawl, which occurred in a tavern on Park Boulevard near East 18th Street early on January 1, Divine said: "I am investigating this whole affair. I am not too satisfied that the whole thing was not mishandled from the start."

According to the original report made on the incident, Ihnot, off-duty and in civilian clothes, stopped at the tavern and found Lyle Anderson, 38, of 424 South 15th Street, Richmond, involved in a fight.

REPORTS ATTACK

REPORTS ATTACK

Ihnot said Anderson attacked him when he attempted to intervene and that he and Anderson finally wound up brawling in the street with a crowd of some 100 persons looking on.

When Anderson knocked him to the ground, Ihnot reported, Petersen, also in civilian clothes and supposedly off-duty, came to his aid.

Divine said today that actually Petersen had been assigned to guard a broken window in a candy store at 14th and Broadway, but that he had left his post early without relief.

Both Ihnot and Anderson were hospitalized for injuries received in the fight, and Anderson was arrested for investigation of resisting an officer, drunk and battery. The drunk charge later was dropped, and formal complaints never were filed on the other charges.

Divine said both Anderson and his wife had complained of use of "excessive force" by the officers, and he declared: "There

Face Inquiry

Continued from Page 1

was sufficient evidence to convince me that I should suspend both officers until I could conduct a complete investigation."

Marenger and Smith were suspended after Harvey Phenning, 50, reported a highly unusual burglary of the Pup Cafe at 8101 MacArthur Boulevard early last Saturday morning.

Phenning, who lives adjacent to the cafe, said he was awakened by a car pulling up in the gravel driveway at the side of the cafe. He identified the car as an Oakland police patrol car.

SAYS TWO WENT IN

Two men in police uniform alighted from the car, jimmied the side door of the cafe and went in. They emerged a few minutes later with a strong box, got in their car and drove away, Phenning said.

Phenning then dressed and went over to the cafe. As he was phoning the owner, Herman Hartje, of 2128 High Street, he said, Marenger and Smith walked in and demanded to know what was going on.

Phenning, thinking they might be the same pair of officers he had seen earlier, told them only that he was awakened by a noise and had found the door open.

The two officers reported the incident to Eastern Station as a "suspicious occurrence," but Hartje reported the theft of the strong box, which contained only insurance and other papers. It has never been recovered.

FLAT DENIAL

Divine said he questioned the two officers Monday and that they flatly denied having been in the cafe earlier. They did admit, however, that they both were in Smith's car in Marenger's district, and that Smith was off his prescribed beat at the time.

Divine then suggested that the two officers and Phenning take a lie detector test. Phenning's response, Divine said, was "normal," but that both officers showed "unfavorable" reactions.

Both declared their reactions were due to the results of nervousness and fatigue. Divine said he then arranged to have new tests given the next day, after the officers had had a night's sleep, but that both refused to submit at the time scheduled for the new examination.

THE FEB 21 1961
2 Policemen

Suspended in Roughing Case

Two Oakland patrolmen were suspended from the force today for using "excessive force" in arresting a drunk last New Year's Eve.

Officer Robert E. Thistlethwaite, 35, of 27723 Havana Ave., Hayward, a member of the police department since January, 1952, received a day suspension by Chief Edward M. Toothman. Thistlethwaite had received a 10-day suspension on similar charges in 1954.

The second officer, Robert McConnell, 34, of 27842 Havana Ave., Hayward, who was appointed to the department in July of 1953, was suspended for five days. It was his first disciplinary action.

Chief Toothman said the two officers arrested John B. Enitez, 31, of 1803 33rd Ave. at 16th and Jefferson Streets.

After Enitez had been placed in a holding cell on the first floor of the city hall, according to Toothman, the officers knocked him down and kicked him.

The next day Enitez was taken to Highland Hospital where he was treated for eye and neck injuries.

On Jan. 3, Enitez appeared before Municipal Judge Homer W. Buckley and pleaded guilty to the drunk charge but he was freed.

He later brought charges against the arresting officers and an investigation was conducted by Inspector Dominic DiFraia. The inspector's findings were turned over to the

chief who imposed the suspensions today.

Thistlethwaite, along with Patrolman Daniel Connelly, was sued for \$110,000 in 1957 by a Hayward aircraft mechanic who charged he had been assaulted and subjected to false arrest.

A Superior Court jury dismissed the assault charge but found the mechanic had been falsely arrested and awarded him \$5,000.

2 Cops Arrested In Office Shootup

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1968

Two Oakland police officers were arrested today on charges of firing a number of shots into Black Panther headquarters at 4421 Grove St.

Police Chief Charles R. Gain signed the complaint against Patrolmen Richard Williams and Robert Farrell.

He said both men had been drinking.

The patrolmen, who were on duty at the time, were in a patrol car when they reportedly opened fire with carbines on the ground floor headquarters shortly before 1:30 a.m.

The offices were unoccupied and rental rooms on the sec-

ond floor and at the rear also were apparently vacant.

Gain had suspended the pair immediately upon learning of the alleged shooting. After investigation, he signed the complaint.

At least a dozen shots riddled the plate glass window, struck office furniture inside and shattered an interior glass-paneled room divider.

Three shots also pierced the window of the adjoining Tea's Cafe at 4419 Grove St. And one more went through the roof of the patrol car, Chief Gain said.

The barrage of shots apparently came in two separate volleys, according to a neighboring resident, Margarita Ramos, of 4425 Grove St., who was awakened by the blasts.

She said she got out of bed on hearing the second fusil-

Patrol Division
the investigation, with
Dist. Atty. Richard Ha

The shooting followed less than 30 hours after Hutton's conviction for manslaughter in the Police Officer John Frey gun battle Oct. 28.

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lade and looked out her window to see the officers firing. Her brother - in - law noted the patrol car number and called police. Other officers arrested the pair without incident.

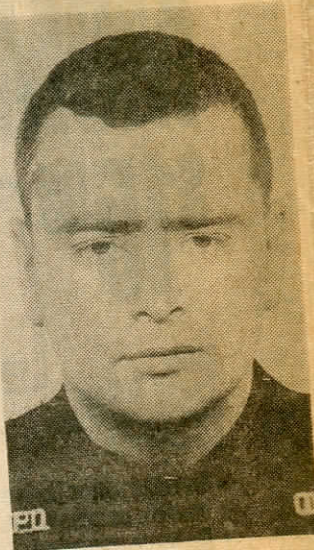
Farrell, 26, joined the force in January, 1965. He is unmarried. Williams, 28, joined the department in October, 1965.

Gain said they were charged under a section of the Penal Code prohibiting assault with firearms on an inhabited dwelling or occupied building, a felony offense.

Capt. Gerald Lewis of the Patrol Division is conducting the investigation, with Asst. Dist. Atty. Richard Haugner.

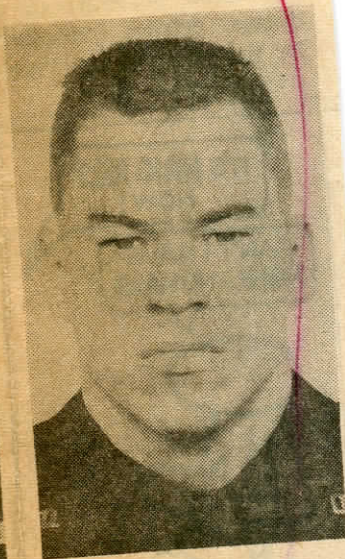
The shooting followed by less than 30 hours Huey Newton's conviction for voluntary manslaughter in the slaying of Police Officer John Frey in a gun battle Oct. 28.

The same jury found the



RICHARD V. WILLIAMS
Suspect in shooting

Black Panther founder-leader innocent of assault with a deadly weapon on another policeman, Herbert Heanes, who was wounded in the shootout.



ROBERT FARRELL
Officer suspended

A large photograph of Newton in the Panther office window, apparently the prime target of the shooting, was riddled with bullets.

Office Shootup

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2 Ex-Cops

OCT - 2 1968

Enter Pleas In Shooting

Two former Oakland police officers entered pleas of innocent today to felony charges of shooting up the Black Panther headquarters at 4421 Grove St.

Richard V. Williams, 28, and Robert W. Farrell, 26, are accused of assaulting an inhabited dwelling or occupied building with firearms.

They appeared briefly today before Municipal Court Judge Martin N. Pulich, who set 2 p.m., Nov. 18, for preliminary hearing.

The two men remain free of \$3,000 bail each.

Williams and Farrell were arrested while on duty Sept. 10 after a number of shots were fired into the empty Panther headquarters in the early morning hours. The two officers were dismissed later in the day by City Manager Jerome Keithley.

4 Cops Fired in Beating Incident

SEP 21 1977 FO

police brutality

Four Oakland police officers who allegedly beat up a suspect — and reportedly lied about the incident to their superiors — were fired from the force this morning.

Chief George Hart called it the largest single firing in the department in recent years. He identified the officers as Ted Gully, Jack Landeros, Melvin Perreira, and Stanley Lowe.

He charged that the four men used unnecessary force in subduing a man wanted for failing to pay a number of traffic warrants. He said the officers failed to report the incident to the department, and then tried to lie about it to internal investigators.

City Manager Cecil Riley offi-

cially fired the four officers this morning on the recommendation of Chief Hart.

The suspect himself, who was so badly beaten that he had to go into the hospital, never complained about the incident to police, but a number of independent witnesses did, Hart said.

Two of the officers, Gully, 30, and Landeros, 29, made a routine stop of a suspicious car in the early morning hours of July 18, Hart said. They found out that the driver, Stanley Hendrix, whose age and address could not be immediately learned, was wanted for failing to pay some traffic warrants, Hart said.

But Hendrix sped off, leading Gully and Landeros on a two-mile chase that ended in the 400

block of Orange Street, where Hendrix got from his car and ran into the parking lot of a nearby apartment house complex, Hart said.

By this time the two officers had been joined by Perreira, 32, and they beat and kicked Hendrix to the ground and handcuffed him, Hart said. Witnesses said they saw one of the officers slugging Hendrix with his flashlight, according to Hart.

The fourth officer, Lowe, 25, soon arrived and, while Hendrix was still lying handcuffed on the ground, Lowe kicked him on the head, Hart said.

Hart said it is often necessary for police officers to use force in subduing suspects, but in this case, once the chase had ended,

Hendrix was offering no resistance — and in any case it was four officers against a single man.

He said department regulations require officers who see their fellows use unnecessary force to report the incidents to their superiors, but none of the four officers did so.

But residents of the apartment complex who saw it happen did complain, Hart said. The

four officers at first attempted to deny that the incident had occurred as alleged, but later they admitted it, Hart said.

The use of unnecessary force in any situation leads the public to believe that all police officers are brutal, Hart said. "This is just not true," he went on.

Gully joined the department in January, 1975, Landeros in June, 1971, Perreira in March, 1975, Lowe in December, 1973.

3 Oakland cops fired —accused of beating

THU APR 9 1987

By Harry Harris
The Tribune

Three Oakland police officers were fired yesterday for their alleged roles in the abduction and beating of a man they believed was a drug dealer who made death threats against one of them.

The firings immediately were questioned by residents of neighborhoods terrorized by drug dealers. They said the officers — who all have reputations for being tough on drug dealers in the East Oakland neighborhoods they patrol — shouldn't have been so severely disciplined.

conduct
Police Chief George T. Hart identified the officers as Tommy Gilbert, 34, Joel Jones, 31, and Tim Overall, 32. Gilbert has been a police officer for more than five years while the other two have been with the force more than four years.

Hart said the officers deny involvement, but the "victim" passed a polygraph examination on the allegations he made.

Hart said he regretted having to fire the officers in light of their drug-enforcement efforts. The officers "have performed a

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difficult task in a commendable manner," he said.

But he said: "Police officers must be held and are held to a very high standard of conduct, and the evidence makes it clear to me they have violated that standard. Regardless of the motive, no police officer can violate the public trust."

The officers and their attorney, Lincoln Mintz, could not be reached by The Tribune yesterday for comment. Mintz was quoted by a local wire service as saying the officers "deny the allegations unequivocally." The officers reportedly plan to appeal their firings.

Hart said the incident occurred last July after Gilbert and another officer, Mark Hicks, learned from street informants that contracts had been put out on their lives by drug dealers on their beats, particularly near the 9700 block of Cherry Street.

The contracts were put out because of the many drug-related arrests in the area, the informants told the officers, who reported the threats to their superiors.

On the evening of July 26, Jones and Overall, who are extremely close to Gilbert and Hicks, confronted a man in East Oakland who they suspected had

made some of the threats, according to Hart. The officers, who were on duty, forced the man into their car, Hart said.

Hart said Jones and Overall drove the man to Dimond Park several miles away and beat him up as an apparent warning of what would happen if Gilbert and Hicks were harmed.

Hart said the man's injuries included facial lacerations and a broken nose. Within hours the man reported to police what had happened, Hart said, and an internal affairs investigation was started.

Hart said within a few days, Gilbert, while off-duty, went to the man's home and tried to get him to withdraw the allegations.

Hart said Hicks was a subject of the investigation but was cleared of any wrongdoing.

Jones and Overall, Hart said, were fired for violations of laws and departmental regulations as well as untruthfulness.

Gilbert was fired, the chief said, for untruthfulness and for not reporting "violations of our rules. We think he had knowledge of the assault."

The Alameda County District Attorney's Office said it does not plan to prosecute the officers for the alleged assault.

Departmental sources told The Tribune the victim is a re-

puted drug dealer and was a prime suspect in a police investigation into the alleged threats. No one has been charged, but the investigation is still open, sources said.

City officials could not be reached for comment yesterday about the firings.

But as word spread through the community, especially neighborhoods plagued by drug dealers, the chief's office received numerous calls in support of the officers, an aide said.

One couple, who live in a neighborhood frequented by drug dealers and who asked that their names not be used, said they had mixed emotions about the firings.

The husband said he thinks all drug dealers should be "set afire." But both he and his wife said if the allegations are true, the officers acted improperly.

Said the woman: "It's not really the way to do things. It makes the Police Department look bad."

But she added, the firings would make "a lot of drug dealers happy" and also could cause more problems for police.

"A lot of younger drug dealers will really start harassing police officers now so they can say (the officers) did something to them."

Attorneys for 3 fired cops, alleged beating

SAT APR 11 1987

By Harry Harris
The Tribune

A war of words erupted yesterday at a news conference called to support three Oakland police officers fired for their alleged roles in the beating of a man.

The alleged victim and his lawyer arrived unexpectedly and engaged in a dispute with the officers' attorney.

Lincoln Mintz, who represents the three officers, told Mark Smith, the man who claims he was beaten last July, and his attorney, David Weintraub, to leave his office after they started answering reporters' questions and making accusations.

Mintz told Weintraub the officers did not assault Smith "in any way, shape or form" and that he was eagerly awaiting

his chance to cross-examine Smith on the allegations. Until then, Mintz said, "We are not obligated to explain anything to your client."

When Smith then started pointing out the officers he says attacked him, Mintz got out of his chair and told Smith and Weintraub: "You're trespassing, you're not welcome here. I'm asking you to leave." They complied.

During the confrontation, the three officers, Tommy Gilbert, Joel Jones and Tim Overall, who were fired Wednesday, sat stone-faced in their chairs.

Jones and Overall are accused of beating Smith last July in Dimond Park. Police said Jones and Overall believed Smith was a drug dealer responsible for putting out a contract on the lives of Gilbert and another officer.

Gilbert was fired because police said he was aware of the attack and tried to get Smith to retract his accusations when he reported the incident to police.

Mintz said his clients "unequivocally deny" the allegations and have already filed a notice of appeal with the city's Civil Service Commission.

Weintraub said Smith is not a drug dealer and never threatened any police officers. He has filed a \$100,000 claim against the city on behalf of Smith.

Weintraub introduced himself and Smith to reporters after Mintz read a lengthy statement stating the officers were the victims of a "skillfully conceived plan of deception" contrived by the city's "narcotics underworld."

When the "truth comes out," Mintz said, police internal affairs investiga-

g victim stage verbal battle

tors will be shown to have "made a grievous series of mistakes."

A Police Department representative said later there is overwhelming evidence against the officers and the firings will not be rescinded.

Mintz said the officers have been "standouts for their effectiveness in the so-called war against drugs" which has angered drug dealers.

Drug dealers, Mintz said, "contrived allegations of police brutality" against the officers to "remove the impediment they and others like them have created to highly profitable illicit activities."

Mintz also said there has been a "tremendous outpouring of support" for the officers from the community.

Afterwards, Smith told reporters

that Jones and Overall had forced him inside their police car last July and told him they wanted to talk to him "about the contract you put out on our brothers." He said he was driven to the park and, when he refused to get out of the car, was told "they'd shoot me right now" if he did not.

He said he was hit repeatedly in the face and had a car door slammed on his legs before being left in the park.

Smith said he was still "kind of scared" and was hoping he would be able to move from his East Oakland residence soon.

But he said he hasn't "really been bothered" by police or anyone else since the incident, because "I don't go outside too much."

FBI probing alleged beating by fired cops

THU APR 30 1987

By Harry Harris
and Gene Ayres
The Tribune

The FBI is investigating three ex-Oakland police officers, fired for their roles in the alleged beating of a man they thought was a drug dealer, for possibly violating the man's civil rights, The Tribune learned yesterday.

The FBI confirmed yesterday that it is investigating to see if the officers' alleged actions violated the civil rights of Mark A. Smith.

FBI spokesman John Holford said the bureau initiated the investigation on its own after reading accounts of the incident in newspapers.

Sources also told The Tribune that Oakland Police Department internal affairs records on the investigation that led to the officers' firing, as well as the officers' personnel records, have been subpoenaed for delivery to a federal grand jury.

Holford said the Justice Department's Civil Rights Division in Washington, D.C., makes determinations of whether violations of the civil rights statute have occurred.

"All we do is conduct the investigation," Holford said.

Targets of the FBI probe are Tommy Gilbert, Joel Jones and Tim Overall, fired April 8 for their roles in the alleged beating incident last July.

Jones and Overall allegedly abducted Smith, whom they suspected of being a drug dealer that had made death threats against Gilbert and another officer. They supposedly took him to an East Oakland park where he was severely beaten as a warning.

Gilbert allegedly knew of the beating and tried to get Smith to drop his complaint against the other officers.

The three officers, who had a reputation for being tough on drug dealers, have repeatedly denied their involvement in the beating. They have said they were caught up in a plot by drug

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dealers who wanted them off the streets.

Since their firings the officers have gained much support throughout the city, especially in neighborhoods plagued by drug dealers. Tuesday night about 300 residents jammed the City Council meeting to show their support for the three.

Smith and his attorney, David Weintraub, have been just as adamant in their denials that

Smith is a drug dealer or that he ever threatened anyone.

Neither the officers nor their attorney, Lincoln Mintz, could be reached yesterday for comment about the FBI investigation.

Weintraub said he was not aware of the federal investigation until contacted by The Tribune. He was pleased to hear of it.

"I'm sure they will find violations of my client's civil rights if their investigation is a complete and fair one," said Weintraub.

Two Oakland cops charged with burglary

SAT NOV 14 1987

By Harry Harris
The Tribune

Two Oakland police officers were charged yesterday with burglarizing two computer equipment firms while on duty.

Investigators said more charges may be filed against Officers Newman Ng and Kailey Wong as a review of other burglary reports progresses. They are checking other crime reports in which the two were either the responding officers or crime-scene technicians.

Ng, 31, may also face federal explo-

sive charges as a result of the discovery of a hand grenade, blasting caps and powder in his home following his arrest Nov. 2.

It is believed explosives were used to gain entry into the burglarized businesses, police said.

Ng was charged in Oakland Municipal Court with four counts of burglary while Wong, 42, was charged with two counts of burglary and one count of possession of stolen property.

The burglaries Ng is charged with occurred March 24 and May 9 at a Webster Street computer firm and Sept. 7 and

Sept. 18 at a West Grand Avenue company.

Wong is charged with the burglaries of the West Grand business and with possessing equipment taken from one of the Webster Street break-ins.

Ng pleaded not guilty to the charges and was given a Feb. 16, 1988 preliminary examination date. He remains free on his own recognizance.

Wong is scheduled to return to court Dec. 3 to enter a plea. He is free on \$15,000 bail.

Ng's attorney, William R. Rapoport of San Mateo, said after the court ap-

aries—probe continuing

pearance: "We believe when it's all over we'll find Mr. Ng is not involved in any of these charges."

Wong's attorney, Jim Crew of Hayward, said: "It's too early to say anything" about the charges.

Both officers are highly respected evidence technicians whose work has been frequently praised by investigators.

They were arrested Nov. 2 after search warrants were served at their homes and some of the suspected stolen items recovered.

According to police, Ng was either

the reporting officer, technician or both at all of the burglaries. Sgt. Dave Krauss said police believe the alleged burglaries are confined to Oakland because part of the suspects' method of operation was to use the fact they were on duty to explain their presence at scenes.

For them "to do so in other cities would be too suspicious," Krauss said.

Krauss said neither officer has made a statement to investigators.

Both officers have been on administrative leave since their arrests. Krauss said the two probably will be fired now that formal charges have been filed.

2 Oakland policemen arrested in burglaries

WED NOV 4 1987

By Harry Harris
The Tribune

conduct

Two Oakland police officers have been arrested, accused of burglarizing a computer supply firm while on duty, police said yesterday.

Both officers are evidence technicians. One of them, Newman Ng, 31, did the fingerprinting and other crime-scene work following two break-ins at the same firm in which explosives were used on windows to gain entry, police said.

Ng and Officer Kailey Wong, 42, were arrested Monday after search warrants were served at their homes.

Ng, who lives in Castro Valley, was arrested at work. Wong was taken into custody at his Pleas-



Kailey Wong
Evidence technician



Newman Ng
Did crime-scene work

ant Hill home.

Police said they recovered equipment believed taken from the two burglaries, as well as other possibly stolen items. Some of the equipment had serial numbers removed, police said.

At Ng's home, investigators also found some blasting caps and a hand grenade, police said.

Police would not say what items were taken in the burglaries but said they were worth several thousand dollars.

Investigators said they believe that Ng took part in both burglaries and that Wong took part in one.

Wong was booked at North

See **ARRESTED**, Page A-2

The burglaries the officers are

Ng had captured

Continued from Page A-1

County Jail on four counts of possession of stolen property and two counts of possession of property with serial numbers removed.

Ng was booked on two counts of possession of stolen property, one count of possession of property with serial numbers removed and one count of possession of an explosive device.

Formal charges are expected to be filed today.

Wong was released on \$15,000 bail yesterday and Ng was released on his own recognizance. Both have been placed on administrative leave while the investigation continues.

Neither officer could be reached for comment yesterday.

The burglaries the officers are

suspected of committing occurred Sept. 6 and Sept. 18 during the evening shift, police said.

Sgt. Dave Krauss said the investigation, which involved members of the department's Internal Affairs Unit and Criminal Investigation Division, began following a complaint from the owner of the burglarized company.

Krauss said the owner initially contacted police to complain about Ng. He reportedly told internal affairs investigators that a few days before the first burglary Ng was in the store and pointed out some pieces of equipment he said he could use.

A few days later the first burglary occurred. Among the missing items were some of the ones Ng had expressed an interest in,

police said.

The investigation progressed to the point where search warrants were issued and served Monday.

Ng has been an officer since December 1979 and until his arrest had an uneventful career.

Wong's career on the other hand has been far from routine.

A Vietnam veteran with a bachelor's degree in criminology, Wong joined the Oakland Police Department in July 1975.

In June 1978, he was fired for his part in an April Fools Day melee with members of the Hells Angels motorcycle club at their East Oakland clubhouse. A total of nine officers were either fired or suspended for that incident.

Wong was fired for throwing a cinder block into a stereo component and then lying about it.

In December 1979, the Oakland Civil Service Board ordered that Wong be reinstated without back pay after it was decided there was not enough evidence to support the allegation against him.

Wong was featured in an article in The Tribune in October 1983 in which he is credited with providing author Tom Wolfe, a longtime friend of his, with the title for his best seller, "The Right Stuff," a book about astronauts.

Judge upholds firing of 3 cops over beating

WED SEP 19 1990

By Harry Harris
The Tribune

An Alameda County Superior Court judge has upheld the firing of three Oakland police officers for beating up a suspected drug dealer they thought had threatened one of them. ~~There~~

The ruling reverses a Civil Service Board decision that found lengthy suspensions were more appropriate punishment than the firing ordered by the Oakland police chief. ~~primary~~

But in a ruling made public Monday, Judge Demetrious Agretelis upheld the April 1987 firing of officers Tommy Gilbert, Joel Jones and Tim Overall.

In his decision, the judge said the firings were appropriate discipline for what he termed an "egregious act of police brutality which they attempted to cover up . . . by a conspiracy of untruthfulness."

Michael Rains, attorney for the officers, said yesterday he

was "disturbed enough about the judge's ruling to want to appeal" but had not yet discussed it with his clients.

Rains said he disagreed with Agretelis who he charged "has gone on his own and characterized the board's findings as he sees fit."

The announcement in 1987 of the officers' firings sparked several demonstrations in support of the officers by community groups who thought the punishment was too severe.

The officers had been well known and respected inside and out of the police department for their tough enforcement efforts against drug dealers.

The three were fired by Chief George Hart for what he said was a violation of laws and for lies involving a 1986 incident.

The officers allegedly conspired to abduct a man they suspected was behind threats, in-

See COPS, Page B-3

cluding contracts to kill one them, for their drug enforcement efforts.

The man was taken to Dimond Park and severely beaten. In subsequent departmental investigations, the officers denied any involvement or wrongdoing.

The man later sued the city in federal court and won a settlement.

The officers appealed their firing but a Civil Service Board hearing officer recommended the firings be upheld.

Last December, however, the board rejected the recommendation and decided a suspension

without pay — from April of 1987 until the December hearing — was the appropriate punishment.

Attorney Todd Boley, who represented the city, said the city decided to appeal the board's decision because the officers had been involved in "very injurious misconduct."

In his decision, Agretelis said the civil service board abused its discretion.

The judge pointed out Hart's testimony at the board's hearing that if what the officers did "doesn't deserve termination, whatever possibly could deserve termination?"

Officials confirm cop fired for hooker case interference

MAR - 6 1993

By Harry Harris

STAFF WRITER

OAKLAND — A police officer has been fired for allegedly trying to get a prostitute to change her testimony against another officer convicted of sexually assaulting her and five other women, officials confirmed Friday. *EMPLOYEE CONVICT*

Sources said Officer Michael Fleming confronted the woman at least twice in 1992 while on duty and in one of the meetings secretly tape-recorded the conversation and gave it to the other officer's attorney.

Fleming was fired for violation of laws and regulations, compromising a criminal investigation and revealing confidential information, sources said.

Neither Fleming, an officer since November 1989, nor his attorney could be reached for comment Friday.

Sources said Fleming allegedly took his unauthorized action in an effort to help clear Tim Smith, with whom he had served in the Marine Corps before both joined the Police Department.

Sources said Fleming reportedly told investigators he did meet with the woman and did so because he thought Smith had been framed.

Smith was sentenced to nine years in state prison last November after being convicted of sexually assaulting six women — four of whom were prostitutes — while on duty during a 2½-year period from 1989 to November 1991.

Smith avoided trial by pleading no contest and being convicted in September 1992 on charges including oral copulation, kidnapping, sexual battery and penetration with a foreign object.

Sources said that Fleming allegedly tried to get one of the prostitutes to change her testimony against Smith following a preliminary examination in April 1992 in which she testified.

Fleming reportedly met with the prostitute in May and June of 1992 and tape-recorded the second conversation. Sources said the woman was intimidated by Fleming and said things she thought he would want to hear concerning possible uncertainty over Smith's appearance to get rid of him.

Fleming allegedly gave the tape recording to Smith's attorney, who later turned it over to investigators, sources said.

The investigation of Fleming began after the woman told what had happened to her to other police officers she knew.

Officers face discipline in injury of two Latinos

J.H. JAN 13 1994

By Daniel Vasquez
STAFF WRITER

CONDUCT

At least two Oakland police officers will be disciplined for misconduct stemming from an encounter with two Latino youths Nov. 1. Both youths were injured.

The announcement lacked details. It was made Wednesday during a special community meeting attended by Police Chief Joseph Samuels, Mayor Elihu Harris and Latino leaders.

"Several charges have been

sustained and appropriate (measures) have been initiated against more than one officer," said Samuels. He said releasing details of the encounter could jeopardize the case made by Internal Affairs investigators. One teen was bruised; the other had broken legs.

However, The Oakland Tribune has learned it has been recommended that one of the officers be fired and the other

Please see **Probe**, page **A-9**

Continued from page A-1

suspended. Further information was unavailable Wednesday. State law prohibits authorities from divulging specifics of such investigations.

The impact of the encounter was obvious in the anger and frustration displayed at the meeting, which was called by community leaders.

"I really don't know what to say," said Marcos Sanchez, one of the youths involved in the arrest. "I really wasn't given any answers. It's been two months already, and I feel they could have given more about what is happening," he said after the meeting. Sanchez said he plans to pursue a lawsuit against the police department.

"I'm happy that something is

going to be done to these officers. But they're not the only ones out there beating people. We need an end to this stuff," he said.

The meeting was, in part, an attempt to bridge an historically wide gap between the Latinos and police, said community leader Rosalinda Palacios.

"This incident has angered the Latino community in this city," said Palacios. "We have mobilized, and we're demanding action and answers."

Palacios, the director of La Juventud, a Fruitvale youth center that has been the site of several meetings called in response to the violent confrontation, said community leaders are calling for the creation of police task force that would be a monthly forum for residents to voice complaints about police conduct.

face discipline

The two Latino youths, then both 17, allege that police used excessive force during their arrests in the 4100 block of Foot-hill Boulevard. One youth contends that a patrol car hit him during the arrest.

Police were reportedly in the East Oakland neighborhood that night because residents had complained of people drinking and selling drugs.

The youth who says a police car hit him received broken legs and was briefly hospitalized. The other received bruises which he claims lasted three days after the arrest. He said a police baton inflicted the injuries.

In the weeks since the arrest, Oakland police internal affairs officers have conducted an investigation into the excessive-force

allegations. But the laws against divulging investigation details have left police and city administrators in a quandary.

"I understand how the community feels," Councilman Ignacio De La Fuente said, alluding to residents' complaints that the lack of information about the officers' discipline contributes to suspicions about police conduct and accountability.

"We want the people to understand what is going on, but we must make sure our actions are not overturned by the courts because we didn't follow (state) law," De La Fuente said.

Gabe Cervantez, president of the Latino Oakland Peace Officers Association, said he believes "the department has conducted a fair investigation and will serve justice."

Investigation targets SAT FEB 1 2 1994 three cops accused of gunplay on bridge

By Harry Harris
STAFF WRITER

EMPLOYER
CONDUCT

OAKLAND — The California Highway Patrol is conducting a criminal investigation of three Oakland police officers, two of whom are suspected of firing shots on the Bay Bridge while driving home after partying in San Francisco.

The department's Internal Affairs Section will do its own investigation after the CHP probe is completed no matter the outcome, authorities said.

Citing state law that protects the privacy of officers, the names of the officers are not being released.

The other officer was driving the car, but is not believed to have joined in the shooting. All of the officers were off-duty.

R. G. J. F.
the remains of a man and a woman who lived
SANTA ANA — Archaeologists have found
ASSOCIATED PRESS
ink

Continued from page A-1

CHP and police would not comment on the investigations, except to confirm they were being conducted.

But sources said the alleged shooting happened about 12:30 a.m. Thursday as the three officers were returning from a night of partying in San Francisco. Two of the officers, including the car owner, reportedly had been drinking heavily while the third was the "designated driver," sources said.

None of the officers has worked more than a few years in the department, sources said.

Sources said two of the officers fired several shots at the walls and ceiling of the Yerba Buena Island tunnel from inside the car.

Apparently no other cars were hit and no people were injured.

Another motorist saw the shooting and provided the license plate of the car to both Oakland police and the CHP. Sources said the motorist could not give descriptions of the occupants and did not know they were police officers.

Using the license plate, Oakland police were able to determine the names of all the officers involved.

One source said the officers were chagrined and very apologetic when confronted by command staff a few hours later.

Even if the officers are not charged criminally, they still face possible disciplinary action from the police department for violating general rules of conduct and not being obedient to laws and regulations.

Oakland officers face no charges

THU FEB 24 1994

■ The three officers allegedly involved in an off-duty shooting incident still face possible department disciplinary action

By Harry Harris
STAFF WRITER

OAKLAND — No criminal charges will be filed against three Oakland police officers allegedly involved in an off-duty shooting incident on the Bay Bridge, authorities said Wednesday.

But the officers still face possible disciplinary action from the Police Department, which could range from suspensions to being fired.

The California Highway Patrol said the San Francisco District Attorney's Office decided there was insufficient evidence to prosecute the officers.

The CHP and Oakland police began their investigations after a motorist reported shots being fired about 12:30 a.m. Feb. 10 from a Toyota 4Runner heading toward Oakland on Highway 101 near the Van Ness Avenue on-

ramp and again inside the Yerba Buena Island tunnel. Altogether, at least eight or nine shots were fired.

CHP Lt. Charles McLaughlin said Wednesday their investigation was hampered because no motorists could actually identify the officers as having fired any shots and the officers declined to talk to CHP investigators.

Under state law, statements the officers gave police internal affairs investigators cannot be used against them in a criminal probe. Under departmental regulations, officers are required to respond to internal affairs questions.

Plate number reported

The motorist got the license plate number and turned it over to the CHP and Oakland police. The 4Runner turned out to be registered to an Oakland police officer. Based on that information, investigators determined who was in the vehicle.

The officers have never been publicly identified and their attorney declined comment Wednesday.

McLaughlin said the officers faced possible

charges of firing a weapon from a vehicle. He said one thing that was clear "from the witness and the circumstances is that (the shots) were not directed at anybody."

"That does not excuse their conduct though. They were still way out of line," McLaughlin said.

Sources said the officers were off duty, returning from nightclubbing in San Francisco. The witness reported shots being fired out of the right side of the vehicle.

Officers' good records

Sources have said all of the officers work in the patrol division, none for more than a few years, and all have good records. They were extremely chagrined and apologetic when confronted by command officers, sources said.

Police Sgt. Ralph Lacer confirmed the officers gave statements to Internal Affairs Section investigators but would not elaborate. He said under state law and court rulings, primarily a District Court of Appeals decision known as Lybarger vs. City of Los Angeles, any statements officers may give in an internal probe can't be used against them in a criminal investigation.

Gunplay charges for police

By Jonathan Schorr

STAFF WRITER

PLEASANTON — Charges will be filed against two Oakland police officers who allegedly brandished guns outside a nightclub here, fired at least four shots into the air and sped away. *EMPLOYEE CONDUCT*

Officer Christopher Emanuel Delrosario, 33, unloaded an obscenity-laced string of threats, pointed a gun at a Livermore man and then put the barrel in his own mouth and slipped a magazine into the weapon, according to a statement made to police by the Livermore man, 33-year-old Daniel Patterson.

Delrosario is a five-year veteran of the Oakland Police Department.

Also arrested was Peter Sarna III, 25, who has been an Oakland officer for just over two years. Sarna is the son of Peter Sarna, chief of East Bay Regional Park police.

Both Sarna, a Concord resident, and Delrosario, of Hayward, were charged with brandishing a firearm, a misdemeanor.

Police said Delrosario had a blood alcohol level of .16, twice the legal limit for operating a vehicle. He also will be charged with drunken driving, said Assistant District Attorney John Bell.

Delrosario had been booked on suspicion of discharging a firearm within city limits. Those charges were not pursued, however, because it could not be proved that he was the one who had fired the gun, Bell said.

Both officers were cited and released, and reported to work Monday.

Lt. Fred Sanchez of the Oakland police internal affairs division said, however, that penalties as stiff as dismissal could result if the charges against the two officers are found to be true.

After receiving a report of shots fired and a description of the car, Pleasanton police said they followed Delrosario's car. They said they watched him lock up his brakes on an Interstate 580 on-ramp and then weave through traffic at speeds up to 90 mph. Officers recovered four spent bullet casings from an area near the Sunshine Saloon, 1807 Santa Rita Road, where the incident took place.

Pleasanton officers eventually pulled over the Mercury Capri on I-580 at Foothill Road, drew their guns, and ordered Delrosario and

about a can-
launched a cam-
change for pleading guilty to volun-
change for pleading guilty to volun-
the plea bargain of 11 years in ex-
not yet decided whether to accept
residential robbery at the time, has
Martin, who was on parole for

Sarna, along with another Oakland officer, Randolph Brandwood, out of the car. Inside the car, the officers said, they found three pistols and bullets, some in magazines and some loose.

None of the weapons was city-issued, but two of the three are approved for use by Oakland officers on duty, Sanchez said.

Brandwood was not believed to be involved in the brandishing, and was not arrested. Patterson told police the dispute began with a shoving match inside the bar

By Danielle Cass
STAFF WRITER
In the wake of
last week
Car-

anger

involving an acquaintance of his.

During the incident, Patterson said, Delrosario pointed the gun at him, and then laughed as he put the barrel in his own mouth and loaded it. He said the passenger, later identified as Sarna, also pulled out a gun, waved it menacingly and said, "Yeah, we've got our guns and you can't (expletive) with us!"

The elder Sarna was supportive of his son, but conceded he had made a mistake.

"He's an outstanding police officer," he said. "This is an isolated incident in which he probably exercised poor judgment. Thank God nobody was hurt."